



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Tatsuya SHIMODA et al.

Group Art Unit: 2826

Application No.: 09/403,543

Examiner: Remmon R. Fordé

Filed: October 25, 1999

Docket No.: 104270

For: THREE-DIMENSIONAL DEVICE

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

In reply to the Election of Species Requirement mailed March 22, 2001, Applicants provisionally elect Species 1, Figures 9-17. At least claims 1-10 and 12-14 read on the elected species. This election is made with traverse.

It is respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

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Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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Date: April 20, 2001

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